UNITED
NATIONS

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General Assembly
Security Council

Distr.
GENERAL

A/50/98
S/1995/252
31 March 1995
ENGLISH
ORIGINAL: SPANISH

GENERAL ASSEMBLY
Fiftieth session
Items 39 and 98 (c) of the
preliminary list*
LAW OF THE SEA
SUSTAINABLE USE AND CONSERVATION OF
THE MARINE LIVING RESOURCES OF
THE HIGH SEAS

SECURITY COUNCIL
Fiftieth year

Letter dated 31 March 1995 from the Permanent Representative of Spain to the United Nations addressed to the Secretary-General

On instructions from my Government, I have the honour to inform you that in recent weeks situations of tension have occurred on the high seas in the north-west Atlantic between fishing vessels flying the Spanish flag and Canadian patrol boats, and that these have involved the use of force on the part of the latter.

In particular, I wish to refer to the fact that on 9 March 1995 the fishing vessel Estai, flying the Spanish flag, was arrested in international waters by Canadian patrol boats using armed force. Both the fishing boat and the crew were taken to the port of St. John's, where they were detained until their subsequent release on bail. It should be emphasized that when paying the bail, the owner of the detained vessel made an explicit statement of non-recognition of the jurisdiction of the Canadian courts.

Subsequent to these incidents, various acts of harassment by Canadian patrol boats of Spanish fishing vessels operating on the high seas have taken place, including a serious incident on 26 March in which the nets of the Spanish fishing vessel Pescamar 1 were deliberately cut by a Canadian patrol boat.

These actions, which constitute a flagrant violation by Canada of international law and of the Charter of the United Nations, have caused serious harm to Spanish citizens and in some cases have endangered their lives and

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physical integrity, a situation to which the Spanish Government has reacted by immediately making the relevant protests through the diplomatic channel, while fully reserving its rights and its claim to the corresponding compensation for the damage and injury sustained.

As an additional means of defending its nationals, the Spanish Government has decided to send two units of the Spanish Navy to the area where the incidents took place to protect Spanish vessels engaging in their activities under the protection of the principle of freedom of the high seas and in conformity with the applicable regulations established by the competent international organizations.

In addition, as part of the Spanish Government's firm intention to resolve international disputes by peaceful means in accordance with the provisions of the Charter of the United Nations, on 28 March 1995 Spain filed the relevant complaint against Canada with the International Court of Justice, seeking its ruling and the restoration of the rights violated.

I should be grateful if you would have this letter circulated as a document of the General Assembly, under items 39 and 98 (c) of the preliminary list, and of the Security Council.

(Signed) Juan A. YAÑEZ-BARNUEVO